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40 CFR Ch. I (7-1-12 Edition)

permit #20090049, effective October 20, 1993.

(ii) *Additional material.* (A) Letter from BPU to KDHE dated December 11, 1992, regarding compliance verification methods and schedules.

(30) On February 17, 1995, the Secretary of the Kansas Department of Health and Environment (KDHE) submitted for approval numerous rule revisions which add and revise definitions, revise the Kansas construction permit program, and create a class II operating permit program.

(i) *Incorporation by reference.* (A) Revised rules K.A.R. 28-19-7 effective November 22, 1993; K.A.R. 28-19-8 effective January 23, 1995; K.A.R. 28-19-14 effective January 24, 1994; and the revocation of K.A.R. 28-19-14a effective January 23, 1995; and the revocation of K.A.R. 28-19-14b effective January 24, 1994.

(B) New rules K.A.R. 28-19-204, 212, 300, 301, 302, 303, 304, 400, 401, 402, 403, 404, 500, 501, 502, 540, 541, 542, 543, 544, 545, 546, 561, 562, and 563 effective January 23, 1995.

(31) On May 11, 1995, the Kansas Department of Health and Environment submitted an emissions inventory update to the Kansas City maintenance plan approved by EPA on June 23, 1992. The submittal also establishes a motor vehicle emissions budget for the purpose of fulfilling the requirements of the Federal Transportation Conformity rule.

(i) *Incorporation by reference.* (A) Kansas City Ozone Maintenance State Implementation Plan Revision: Emissions Inventories and Motor Vehicle Emissions Budgets for the Kansas City Metropolitan Area, adopted on May 11, 1995.

(32) A Plan revision was submitted by the Kansas Department of Health and Environment (KDHE) on June 6, 1996, which incorporates by reference the EPA's regulations relating to determining conformity of general Federal actions to State or Federal Implementation Plans, and which revokes old and adopts new open burning regulations.

(i) *Incorporation by reference.* (A) Regulation K.A.R. 28-19-800, adopted by the Secretary of the KDHE on February 21, 1996, effective March 15, 1996.

(B) Regulations K.A.R. 28-19-645 to K.A.R. 28-19-648, adopted by the Secretary of KDHE on February 6, 1996, effective March 1, 1996.

(C) Regulations K.A.R. 28-19-45 to K.A.R. 28-19-47, revoked by the Secretary of KDHE on February 6, 1996, effective March 1, 1996.

(33) A revision to the Kansas SIP was submitted by the Kansas Department of Health and Environment on May 23, 1997, pertaining to fuel volatility.

(i) *Incorporation by reference.* (A) K.A.R. 28-19-79, Fuel Volatility, effective May 2, 1997.

(d) Plan revisions were submitted on April 17, 1974, and February 17, 1974.

[37 FR 10867, May 31, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.875, see the List of CFR Sections Affected, which appears in the Finding Aids sections of the printed volume and at www.fdsys.gov.

§ 52.876 Compliance schedules.

(a) The requirements of § 51.260 and of § 51.15(a)(2) of this chapter as of September 19, 1976 (40 FR 43216), are not met since the plan does not contain legally enforceable compliance schedules setting forth the dates by which all stationary sources or categories of such sources must be in compliance with applicable portions of the control strategy. Paragraphs C and D of Kansas Regulation 28-19-9 specify that all sources not in compliance must submit an acceptable compliance schedule within 120 days after receiving notification from the State. There are no assurances that all sources will be notified by the State in a timely manner, therefore, paragraphs C and D of Regulation 28-19-9 are disapproved.

(b) *Federal compliance schedule.* (1) Except as provided in paragraph (2) of this paragraph (b), the owner or operator of any stationary source subject to any emission regulation which is part of the approved plan shall be in compliance on or before January 31, 1974.

(i) Any owner or operator in compliance with any such applicable regulation on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

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(ii) Any owner or operator who achieves compliance with any such applicable regulation after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) An owner or operator of a stationary source subject to any emission regulation approved by the Administrator may no later than December 31, 1972, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with such regulation as expeditiously as practicable, but no later than July 31, 1975. The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Letting of necessary contracts for construction or process changes, if applicable; initiation of construction; completion and startup of control sys-

tems; performance tests; and submittal of performance test analysis and results.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(c) *State compliance schedules.* (1) [Reserved]

(2) The compliance schedules identified below are disapproved as not meeting the requirements of §51.102 or subpart N of this chapter. All regulations cited are air pollution control regulations of the state, unless otherwise noted.

KANSAS

Source	Location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc.: sand blasting	Chanute	28-19-50	Dec. 14, 1973.
Kansas City Power & Light, coal transfer houses	LaCygne	28-19-50	Nov. 22, 1974.
Pence Food Center, incinerator	Chanute	28-19-40	Do.
Rodney Milling Co.:			
"A" house gallery and tunnel system	Topeka	28-19-50	Do.
"B" & "C" house gallery .....	.....do	28-19-50	Do.
Western Alfalfa Corp., alfalfa dehydrator	Deerfield	28-19-20	Do.
Do	Tice	28-19-20	Do.
Pence Food Center, incinerator	Humboldt	28-19-40	Do.
Sherwin-Williams Chemicals, Ozark P.M. Mill	Coffeyville	28-19-50B	Oct. 8, 1974.
Continental Grain Co., rail car loading	Hutchinson	28-19-50	Aug. 15, 1974.
Far-Mar-Co, Inc., headhouse cyclones	Topeka	28-19-50	Sept. 5, 1974.
Do	Hutchinson	28-19-50	Aug. 15, 1974.
Western Iron & Foundry, cupola	Wichita	28-19-20A, 28-19-50A.	Oct. 4, 1974.
Kansas Army Ammunition Plant, open burning	Parsons	28-19-45	Jan. 24, 1975.
Reid Grain, headhouse	Goodland	28-19-50	Do.
Sherwin-Williams Chemicals, black ash kiln	Coffeyville	28-19-50A	Do.
Cooperative Farm Chemicals, No. 1 NH ₄ NO ₃ 99-percent evaporator and prilling tower.	Lawrence	28-19-20	Mar. 28, 1975.
Sherwin-Williams Chemical Co., oxide calciner exhaust	Coffeyville	28-19-50A	Do.
Kaw Dehydrating Co., alfalfa dehydrator	Lawrence	28-19-20	Do.
Empire Dist. Electric Co.: Boilers Nos. 7 and 8	Riverton	28-19-31C	May 23, 1975.
Gulf Oil Chemicals Co.: Coal-fired boiler	Pittsburg	28-19-31	Do.
Kansas City Power & Light: Main boiler	La Cygne	28-19-31B	Do.
Mid-America Dairymen: Spray dryers Nos. 1 and 2	Sabetha	28-19-20	Do.
Tower Metal Products: Reverberatory furnace C	Fort Scott	28-19-50A	Do.
U.S. Steel—Universal Atlas Cement	Independence.		
Clay storage bin .....	.....	28-19-50A	Do.
Stone storage bin .....	.....	28-19-50A	Do.
Krupp Ball Mill No. 2 .....	.....	28-19-50A	Do.
Krupp Ball Mill No. 3 .....	.....	28-19-50A	Do.

[37 FR 19809, Sept. 22, 1972]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 52.876, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at *www.fdsys.gov*.

§§ 52.877–52.880 [Reserved]

§ 52.881 PM₁₀ State implementation plan development in group II areas.

The state has submitted a committal SIP for Kansas City, Kansas. The committal SIP contains all the requirements identified in the July 1, 1987, promulgation of the SIP requirements for PM₁₀ at 52 FR 24681, except the state will report the PM₁₀ data which exceed the standard within 60 days of the exceedance, rather than 45 days.

[55 FR 1423, Jan. 16, 1990]

§ 52.882 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

(a)(1) The owner and operator of each source and each unit located in the State of Kansas and Indian country within the borders of the State and for which requirements are set forth under the TR NO_x Annual Trading Program in subpart AAAAA of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements with regard to sources and units in the State will be eliminated by the promulgation of an approval by the Administrator of a revision to Kansas' State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.38(a), except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Kansas' SIP.

(2) Notwithstanding the provisions of paragraph (a)(1) of this section, if, at the time of the approval of Kansas' SIP revision described in paragraph (a)(1) of this section, the Administrator has already started recording any allocations of TR NO_x Annual allowances under subpart AAAAA of part 97 of this chap-

ter to units in the State for a control period in any year, the provisions of subpart AAAAA of part 97 of this chapter authorizing the Administrator to complete the allocation and recordation of TR NO_x Annual allowances to units in the State for each such control period shall continue to apply, unless provided otherwise by such approval of the State's SIP revision.

(b) [Reserved]

[76 FR 48365, Aug. 8, 2011]

§ 52.883 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of sulfur dioxide?

(a) The owner and operator of each source and each unit located in the State of Kansas and Indian country within the borders of the State and for which requirements are set forth under the TR SO₂ Group 2 Trading Program in subpart DDDDD of part 97 of this chapter must comply with such requirements. The obligation to comply with such requirements will be eliminated with regard to sources and units in the State by the promulgation of an approval by the Administrator of a revision to Kansas' State Implementation Plan (SIP) as correcting in part the SIP's deficiency that is the basis for the TR Federal Implementation Plan under § 52.39, except to the extent the Administrator's approval is partial or conditional. The obligation to comply with such requirements with regard to sources and units located in Indian country within the borders of the State will not be eliminated by the promulgation of an approval by the Administrator of a revision to Kansas' SIP.

(b) Notwithstanding the provisions of paragraph (a) of this section, if, at the time of the approval of Kansas' SIP revision described in paragraph (a) of this section, the Administrator has already started recording any allocations of TR SO₂ Group 2 allowances under subpart DDDDD of part 97 of this chapter to units in the State for a control period in any year, the provisions of subpart